

## Decisions on Petitions for Writs of Certiorari.

for the plaintiff in error. *Mr T J Mahoney* for the defendant in error.

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No. 156. N. T. COOK, PLAINTIFF IN ERROR, *v.* STATE OF TENNESSEE. In error to the Supreme Court of the State of Tennessee. Motion to dismiss. Submitted January 5, 1903. Decided January 12, 1903. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Haseltine v Savings Bank of Springfield, Mo.*, 183 U. S. 130, *Bogy v Daugherty*, 184 U. S. 696. *Mr E. W. Ross* for the plaintiff in error. *Mr Charles T. Cates, Jr.*, for the defendant in error.

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No. 162. ANNIE WRIGHT SEMINARY, PLAINTIFF IN ERROR, *v.* CITY OF TACOMA. In error to the Supreme Court of the State of Washington. Submitted December 22, 1902. Decided January 12, 1903. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Gillis v Stinchfield*, 159 U. S. 658; *Pittsburgh Company v. Cleveland Company*, 178 U. S. 279, *Speed v McCarthy*, 181 U. S. 269, 275. See case below, 23 Washington, 109. *Mr John F. Shafroth* for the plaintiff in error. *Mr David A. Gourrick* for the defendant in error.

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*Decisions on Petitions for Writs of Certiorari.*

From October 13, 1902, to January 18, 1903.

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No. 342. ALLEGHENY OIL COMPANY ET AL., PETITIONERS, *v.* HIRAM A. SNYDER ET AL. October 20, 1902. Petition for a writ of certiorari to United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr S. Schoyer, Jr.*, for the petitioners. *Mr Edward McSweeney* and *Mr D. A. Hollingsworth* for the respondents.

## Decisions on Petitions for Writs of Certiorari.

NO. 399. BOSTON FRUIT COMPANY, PETITIONER, *v.* A. G. HALL ET AL. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr J L. Thorndike* and *Mr Charles Theodore Russell* for the petitioner. *Mr J Parker Kirlin* for the respondents.

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NO. 408. PACIFIC COAST COMPANY, PETITIONER, *v.* W. H. REYNOLDS ET AL. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr George W Towle, Jr.*, and *Mr Thomas B. Reed* for the petitioner. No appearance for the respondents.

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NO. 439. GUARANTEE COMPANY OF NORTH AMERICA, PETITIONER, *v.* PHENIX INSURANCE COMPANY OF BROOKLYN, N. Y. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr Warren Switzler* for the petitioner. *Mr H. C. Brome* for the respondent.

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NO. 442. SWAIN P. CHICK ET AL., PETITIONERS, *v.* ALLEN C. FULLER ET AL. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr William J Manning* and *Mr James H. Barnard* for the petitioners. *Mr Charles H. Aldrich* and *Mr Frank F. Reed* for the respondents.

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NO. 453. CHICAGO AND ERIE RAILROAD COMPANY, PETITIONER, *v.* WILLIAM N. SHAW October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr W. H. H. Miller* and *Mr W. O. Johnson* for the petitioner. *Mr James C. McShane* for the respondent.

## Decisions on Petitions for Writs of Certiorari.

No. 455. LONDON, PARIS AND AMERICAN BANK, LIMITED, PETITIONER, *v.* ROSALIE AARONSTEIN, EXECUTRIX, ETC. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr Louis Marshall* and *Mr Henry Ach* for the petitioner. *Mr Simon C. Scheeline* for the respondent.

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No. 463. ADAH S. HORMAN, PETITIONER, *v.* UNITED STATES. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr H. M. Rulison* for the petitioner. *Mr Solicitor General Richards* for the respondent.

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No. 464. BURLINGTON TRUST COMPANY ET AL., PETITIONERS, *v.* SILAS PORTER ET AL. October 20, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr B. P. Waggener*, *Mr O. H. Dean*, *Mr O. L. Miller* and *Mr Frank Hagerman* for the petitioners. No appearance for the respondents.

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No. 452. RUBBER TIRE WHEEL COMPANY ET AL., PETITIONERS, *v.* GOODYEAR TIRE AND RUBBER COMPANY ET AL. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr Hoke Smith*, *Mr Frederic P. Fish* and *Mr John R. Bennett* for the petitioners. *Mr Edmund Wetmore* and *Mr H. A. Toulmin* for the respondents.

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No. 454. SOUTHERN RAILWAY COMPANY, PETITIONER, *v.* JOHN R. CRAIG, ADMINISTRATOR, ETC. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr Fairfax Harrison* for the petitioner. *Mr James E. McDonald* for the respondent.

## Decisions on Petitions for Writs of Certiorari.

NO. 465. CORNELIUS J MCNAMARA ET AL., PETITIONERS, *v.* HOME LAND AND CATTLE COMPANY ET AL. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr George R. Peck, Mr John S. Miller, Mr Merritt Starr and Mr H. G McIntire* for the petitioners. *Mr W E. Cullen, Mr E. C. Day and Mr F. C. Sharp* for the respondents.

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NO. 468. PERKINS COUNTY, NEBRASKA, PETITIONER, *v.* E. D. GRAFF. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr J. H. McGowan and Mr Charles F Manderson* for the petitioner. *Mr J M. Johnson* for the respondent.

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NO. 469. UNITED STATES FIDELITY AND GUARANTY COMPANY, PETITIONER, *v.* OMAHA BUILDING AND CONSTRUCTION COMPANY ET AL. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr E. G McGilton* for the petitioner. *Mr H. C. Brome* for the respondents.

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NO. 473. BOARD OF COUNTY COMMISSIONERS OF KEARNY COUNTY, KANSAS, PETITIONER, *v.* L. VANDRISS. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr A. P Jetmore* for the petitioner. No appearance for the respondent.

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NO. 474. CHICAGO HOUSE WRECKING COMPANY, PETITIONER, *v.* OTTO C. BIRNEY. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr J M. Woolworth and Mr Wm. D McHugh* for the petitioner. *Mr Charles J Greene and Mr Ralph W. Breckenridge* for the respondent.

## Decisions on Petitions for Writs of Certiorari.

No. 466. NORTHERN PACIFIC RAILWAY COMPANY, PETITIONER, v. LOUISE H. ADAMS ET AL. October 27, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. *Mr C. W Bunn* for the petitioner. *Mr C. S. Voorhees* and *Mr R. H. Voorhees* for the respondents.

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No. 437. JOHN M. PERKINS, PETITIONER, v. ANDREW B. HENDRYX ET AL. November 3, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr John M. Perkins pro se*. *Mr. Charles M. Reed* and *Mr L. L. Scarfe* for the respondents.

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No. 445. SILAS F. KING, PETITIONER, v. J O. BENDER. November 3, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied. *Mr J C. Campbell*, *Mr W H. Metson* and *Mr William A. Maury* for the petitioner. *Mr J O Bender pro se*.

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No. 467. PECK BROTHERS COMPANY OF ILLINOIS, PETITIONER, v. PECK BROS. & Co. OF CONNECTICUT. November 3, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr Henry D Coghlan* and *Mr Joseph A. O'Donnell* for the petitioner. *Mr E. A. Otis* for the respondents.

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No. 472. RURAL INDEPENDENT SCHOOL DISTRICT OF ALLISON ET AL., PETITIONERS, v. ELEANOR G. FAIRFIELD. November 3, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr R. M. Wright* for the petitioners. *Mr R. H. Brown* for the respondent.

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No. 476. MINNESOTA MOLINE PLOW COMPANY ET AL., PETITIONERS, *v.* DOWAGIAC MANUFACTURING COMPANY. November 3, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr Charles M. Peck* and *Mr Lysander Hill* for the petitioners. *Mr George A. Prevost*, *Mr J H. Whitaker* and *Mr Fred L. Chappell* for the respondent.

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No. 371. CHARLES P CHISOLM ET AL., PETITIONERS, *v.* ZACHARIAH JOHNSON. November 10, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr John W Griggs* and *Mr Gustav Bissing* for the petitioners. *Mr Robert S. Taylor* for the respondent.

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No. 434. J HASELTINE CARSTAIRS ET AL., PETITIONERS, *v.* AMERICAN BONDING AND TRUST COMPANY OF BALTIMORE CITY. November 10, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr Joseph DeF Junkin* for the petitioners. *Mr Francis B. Bracken* for the respondent.

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No. 481. ADAM FOERSTER ET AL., PETITIONERS, *v.* UNITED STATES. November 10, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Joel W West* for the petitioners. *Mr Solicitor General Richards* for the respondent.

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No. 483. W A. MOORE, PETITIONER, *v.* JAMES H. PARKER ET AL. November 10, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr Henry J Haynsworth* for the petitioner. *Mr. Fairfax Harrison* for the respondents.

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No. 488. ALBERT G. ROPES, ETC., PETITIONER, v. CLYDE STEAMSHIP COMPANY ET AL. November 17, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr Henry W Goodrich* for the petitioner. *Mr Henry Galbraith Ward* for the respondents.

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No. 496. PHENIX INSURANCE COMPANY OF BROOKLYN, N. Y., PETITIONER, v. SIMEON F LEONARD. November 17, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr D J Schuyler* for the petitioner. *Mr Henry W Magee* and *Mr Myron H. Beach* for the respondent.

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No. 497. ORIENT INSURANCE COMPANY OF HARTFORD, CONN., PETITIONER, v. SIMEON F LEONARD. November 17, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr D J Schuyler* for the petitioner. *Mr Henry W Magee* and *Mr Myron H. Beach* for the respondent.

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No. 500. BELLEVILLE AND SOUTHERN ILLINOIS RAILROAD COMPANY, PETITIONER, v. CITIZENS' SAVINGS AND LOAN ASSOCIATION ET AL. November 17, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr Charles W Thomas* for the petitioner. *Mr Edward Cunningham, Jr.*, for the respondents.

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No. 508. CHRISTOPHER C. CRABB ET AL., PETITIONERS, v. JOHN JAY HARVEY WILLIAMS. December 1, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr T A. Moran* and *Mr Levy Mayer* for the petitioners. *Mr Frank Crozier* for the respondent.

## Decisions on Petitions for Writs of Certiorari.

No. 338. ERNEST WILKINSON, PETITIONER, *v.* WILLIAM DUNLAP OWENS, ADMINISTRATOR, ETC. December 8, 1902. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr Samuel Maddox* for the petitioner. *Mr Clarence R. Wilson* for the respondent.

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No. 460. MART H. ROYSTON, TRUSTEE, ET AL., PETITIONERS, *v.* ROBERT WEIS. December 8, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr Walter Gresham* for the petitioners. *Mr James B. Stubbs* for the respondent.

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No. 461. LAWRENCE & Co. ET AL., PETITIONERS, *v.* ALBERT WEIS. December 8, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr Walter Gresham* for the petitioners. *Mr James B. Stubbs* for the respondent.

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No. 495. AMERICAN SURETY COMPANY OF NEW YORK, PETITIONER, *v.* HENRY W BALLMAN ET AL. December 8, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr Henry C. Willcox*, *Mr Eben Richards* and *Mr Jarvis W Mason* for the petitioner. *Mr Clinton Rowell* and *Mr. Joseph S. Laurie* for the respondents.

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No. 501. LANYON ZINC COMPANY ET AL., PETITIONERS, *v.* HORACE F BROWN ET AL. December 8, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr Albert H. Walker* for the petitioners. *Mr Philip C. Dyrenforth* for the respondents.

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No. 130. FRANK SEAMAN, PETITIONER, *v.* BERLINER GRAMOPHONE COMPANY. December 12, 1902. Petition for a writ of



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certiorari to the United States Circuit Court of Appeals for the Fourth Circuit dismissed on authority of counsel for petitioner. *Mr Philip Mauro* for the petitioner. *Mr Marshall McCormack* for the respondent.

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No. 176. WALTER A. CUNNINGHAM ET AL., PETITIONERS, *v.* METROPOLITAN LUMBER COMPANY. December 15, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr F O Clark* for the petitioners. *Mr B. J Brown* and *Mr D H. Ball* for the respondent.

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No. 470. W G. EADS BROKERAGE COMPANY, PETITIONER, *v.* CITY OF FORT SCOTT, KANSAS. December 15, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr T F Garver* for the petitioner. No appearance for the respondent.

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No. 513. LENA M. SLATER ET AL., PETITIONERS, *v.* MEXICAN NATIONAL RAILROAD COMPANY. December 15, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted. *Mr Mason Williams* for the petitioners. No appearance for the respondent.

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No. 451. WILLIAM GRAY BROOKS, PETITIONER, *v.* CHARLES H. PRATT, ADMINISTRATOR, ETC., ET AL. December 22, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. *Mr William Gray Brooks pro se.* *Mr J L. Thorndike* for the respondents.

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No. 484. LOFTUS CUDDY ET AL., PETITIONERS, *v.* PERCIVAL W CLEMENT, RECEIVER, ETC., ET AL. December 22, 1902. Petition for a writ of certiorari to the United States Circuit Court of Ap-

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peals for the First Circuit denied. *Mr. Harvey D. Goulder*, *Mr. S. H. Holding* and *Mr. F. S. Masten* for the petitioners. *Mr. Louis Hasbrouck*, *Mr. M. H. Cardozo* and *Mr. B. N. Cardozo* for the respondents.

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No. 509. BANKERS' MUTUAL CASUALTY COMPANY, PETITIONER, v. MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY COMPANY. December 22, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. Horatio F. Dale* and *Mr. William Connor* for the petitioner. No appearance for the respondent.

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No. 520. FRED. C. KILHAM, ADMINISTRATOR, ETC., PETITIONER, v. WILLIAM J. WILSON. December 22, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied. *Mr. R. T. McNeal* and *Mr. E. T. Wells* for the petitioner. No appearance for the respondent.

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No. 522. NATIONAL GLASS COMPANY ET AL., PETITIONERS, v. BRYCE BROTHERS COMPANY ET AL. December 22, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr. John G. Johnson*, *Mr. Wm. L. Pierce* and *Mr. James K. Bakewell* for the petitioners. *Mr. J. Snowden Bell* and *Mr. Francis T. Chambers* for the respondents.

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No. 523. UNITED STATES FIDELITY AND GUARANTY COMPANY, PETITIONER, v. D. D. MUIR, AS RECEIVER, ETC. December 22, 1902. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. Isidor Rayner* and *Mr. J. Kemp Bartlett* for the petitioner. *Mr. Joel C. Baker* for the respondent.

## Decisions on Petitions for Writs of Certiorari.

No. 185. RHODE ISLAND LOCOMOTIVE WORKS, PETITIONER, *v.* CONTINENTAL TRUST COMPANY. January 5, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr Thomas Emery* and *Mr John Ford* for the petitioner. No appearance for the respondent.

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No. 517. GREAT SOUTHERN FIRE PROOF HOTEL COMPANY, PETITIONER, *v.* BENJAMIN F JONES ET AL. January 5, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted. *Mr John E. Sater* for the petitioner. *Mr Talfourd P Lunn* for the respondents.

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No. 529. CITY TRUST, SAFE DEPOSIT AND SURETY COMPANY OF PHILADELPHIA, PETITIONER, *v.* GLENCOVE GRANITE COMPANY. January 5, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr Henry M. Hoyt* for the petitioner. *Mr Horace L. Cheyney* and *Mr LaRoy S. Gove* for the respondent.

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No 521. CHARLES L. RAWSON ET AL., PETITIONERS, *v.* WESTERN SAND BLAST COMPANY ET AL. January 12, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted. (The Chief Justice took no part in the decision of this petition.) *Mr James H. Raymond* and *Mr Otto R. Barnett* for the petitioners. No appearance for the respondents.

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No. 536. WILLIAM WHITE, JR., PETITIONER, *v.* PEERLESS RUBBER MANUFACTURING COMPANY. January 12, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. *Mr George H. Christy* for the petitioner. *Mr Livingston Gifford* for the respondent.

## Cases Disposed of Without Consideration by the Court.

No. 544. BALTIMORE AND OHIO RAILROAD COMPANY ET AL., PETITIONERS, *v.* WABASH RAILROAD COMPANY. January 12, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied. *Mr W H. H. Miller, Mr Hugh L. Bond, Jr., and Mr J H. Collins* for the petitioners. *Mr Addison C. Harris and Mr Wells H. Blodgett* for the respondent.

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*Cases Disposed of Without Consideration by the Court.*

From October 13, 1902, to January 18, 1903.

Nos. 253 and 254. SUN LIFE INSURANCE COMPANY OF AMERICA, PLAINTIFF IN ERROR, *v.* ALBERT McCABE. In error to the County Court of Dallas County, Texas. October 14, 1902. Dismissed with costs, on motion of *Mr Maurice E. Locke* for the plaintiff in error. *Mr Maurice E. Locke* for the plaintiff in error. No appearance for the defendant in error.

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No. 71. CITY OF AUSTIN, PLAINTIFF IN ERROR, *v.* E. C. BARTHOLOMEW ET AL., RECEIVERS. In error to the Circuit Court of the United States for the Western District of Texas. October 14, 1902. Dismissed with costs, on motion of counsel for plaintiff in error. *Mr S. R. Fisher* for the plaintiff in error. No appearance for the defendants in error.

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No. 112. PEOPLE OF THE STATE OF NEW YORK *ex rel.* CAYADUTTA PLANK ROAD COMPANY, PLAINTIFF IN ERROR, *v.* CURTIS S. CUMMINGS, MAYOR, ET AL. In error to the Supreme Court of the State of New York. October 14, 1902. Dismissed with costs, on motion of counsel for the plaintiff in error. *Mr Harwood Dudley* for the plaintiff in error. No appearance for the defendants in error.